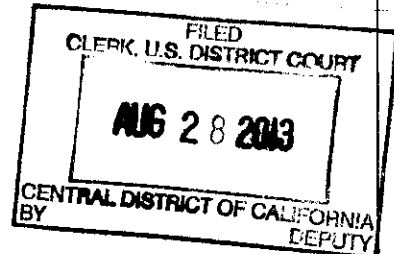


Todd M. Friedman (SBN 216752)
 Nicholas J. Bontrager (SBN 252114)
 LAW OFFICES OF TODD M. FRIEDMAN, P.C.
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 tfriedman@attorneysforconsumers.com
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

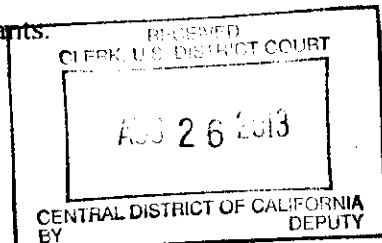
MONICA CEJA, INDIVIDUALLY AND ON)
 BEHALF OF ALL OTHERS SIMILARLY)
 SITUATED,)

Plaintiff,)

vs.)

SHOPKICK, INC.; AND DOES 1 THROUGH)
 10, INCLUSIVE, AND EACH OF THEM,)

Defendants.)



CV13- 6295 *PSML (SHZ)*

CLASS ACTION

COMPLAINT FOR VIOLATIONS OF:

1. NEGLIGENCE VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227 ET SEQ.]
2. WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227 ET SEQ.]

DEMAND FOR JURY TRIAL

Plaintiff, MONICA CEJA ("Plaintiff"), on behalf of himself and all others similarly situated, alleges the following upon information and belief based upon personal knowledge:

NATURE OF THE CASE

1. Plaintiff brings this action for himself and others similarly situated seeking damages and any other available legal or equitable remedies resulting from the illegal actions of SHOPKICK, INC., ("Defendant"), in negligently, knowingly, and/or willfully contacting Plaintiff on Plaintiff's cellular telephone in violation of the Telephone Consumer Protection

1 Act, 47 U.S.C. § 227 *et seq.* ("TCPA"), thereby invading Plaintiff's privacy.

2 **JURISDICTION & VENUE**

3 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff, a resident
4 of California, seeks relief on behalf of a Class, which will result in at least one class member
5 belonging to a different state than that of Defendant, a company with its principal place of
6 business and State of Incorporation in California state. Plaintiff also seeks up to \$1,500.00 in
7 damages for each call in violation of the TCPA, which, when aggregated among a proposed
8 class in the thousands, exceeds the \$5,000,000.00 threshold for federal court jurisdiction.
9 Therefore, both diversity jurisdiction and the damages threshold under the Class Action
10 Fairness Act of 2005 ("CAFA") are present, and this Court has jurisdiction.

11 3. Venue is proper in the United States District Court for the CENTRAL District of
12 California pursuant to 18 U.S.C. 1391(b) and 18 U.S.C. § 1441(a) because Defendant does
13 business within the state of California and the county of Los Angeles.

14 **PARTIES**

15 4. Plaintiff, MONICA CEJA ("Plaintiff"), is a natural person residing in California
16 and is a "person" as defined by 47 U.S.C. § 153 (10).

17 5. Defendant, SHOPKICK, INC., ("Defendant"), is a leader in the consumer debt
18 recovery industry and is a "person" as defined by 47 U.S.C. § 153 (10).

19 6. The above named Defendant, and its subsidiaries and agents, are collectively
20 referred to as "Defendants." The true names and capacities of the Defendants sued herein as
21 DOE DEFENDANTS 1 through 10, inclusive, are currently unknown to Plaintiff, who
22 therefore sues such Defendants by fictitious names. Each of the Defendants designated herein
23 as a DOE is legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of
24 Court to amend the Complaint to reflect the true names and capacities of the DOE Defendants
25 when such identities become known.

26 7. Plaintiff is informed and believes that at all relevant times, each and every
27 Defendant was acting as an agent and/or employee of each of the other Defendants and was
28 acting within the course and scope of said agency and/or employment with the full knowledge

1 and consent of each of the other Defendants. Plaintiff is informed and believes that each of the
2 acts and/or omissions complained of herein was made known to, and ratified by, each of the
3 other Defendants.

4 FACTUAL ALLEGATIONS

5 8. Beginning in or around May 22, 2013 at 8:33 p.m., Defendant contacted
6 Plaintiff on her cellular telephone at (323) 610-6132, through a text message blast in an attempt
7 to communicate with Plaintiff to promote an internet application for Shopkick.com.

8 9. Defendant sent a text message to Plaintiff stating "Hi! I gave you 50 kicks on
9 shopkick, a fun app that lets you earn rewards for shopping.
10 [Http://get.shopkick.com/indio9651](http://get.shopkick.com/indio9651)"

11 10. Defendant used an "automatic telephone dialing system", as defined by 47
12 U.S.C. § 227(a) (1) to place its text message to Plaintiff seeking to communicate with Plaintiff
13 to promote an internet application for Shopkick.com.

14 11. Defendant's text message constituted a non-consented call to a cellular phone
15 for a non emergency purpose using an "automatic telephone dialing system" as defined by 47
16 U.S.C. § 227(b) (1) (A).

17 12. Defendant's text message was placed to telephone number assigned to a cellular
18 telephone service for which Plaintiff incurs a charge for incoming calls pursuant to 47 U.S.C. §
19 227(b)(1).

20 13. Defendant never received Plaintiff's "prior express consent" to receive text
21 messages or calls using an automatic telephone dialing system or an artificial or prerecorded
22 voice on her cellular telephone pursuant to 47 U.S.C. § 227(b)(1)(A).

23 CLASS ALLEGATIONS

24 14. Plaintiff brings this action on behalf of himself and all others similarly situated,
25 as a member of the proposed class (hereafter "The Class") defined as follows:

26 All persons within the United States who received any collection
27 telephone calls from Defendant to said person's cellular
28 telephone made through the use of any automatic telephone
dialing system or an artificial or prerecorded voice and such

1 person had not previously consented to receiving such calls
2 within the four years prior to the filing of this Complaint

3 15. Plaintiff represents, and is a member of, The Class, consisting of All persons
4 within the United States who received any collection telephone call from Defendant to said
5 person's cellular telephone made through the use of any automatic telephone dialing system or
6 an artificial or prerecorded voice and such person had not previously not provided their cellular
7 telephone number to Defendant within the four years prior to the filing of this Complaint.

8 16. Defendant, its employees and agents are excluded from The Class. Plaintiff
9 does not know the number of members in The Class, but believes the Class members number in
10 the thousands, if not more. Thus, this matter should be certified as a Class Action to assist in
11 the expeditious litigation of the matter.

12 17. The Class is so numerous that the individual joinder of all of its members is
13 impractical. While the exact number and identities of The Class members are unknown to
14 Plaintiff at this time and can only be ascertained through appropriate discovery, Plaintiff is
15 informed and believes and thereon alleges that The Class includes thousands of members.
16 Plaintiff alleges that The Class members may be ascertained by the records maintained by
17 Defendant.

18 18. Plaintiff and members of The Class were harmed by the acts of Defendant in at
19 least the following ways: Defendant illegally contacted Plaintiff and Class members via their
20 cellular telephones thereby causing Plaintiff and Class members to incur certain charges or
21 reduced telephone time for which Plaintiff and Class members had previously paid by having to
22 retrieve or administer messages left by Defendant during those illegal calls, and invading the
23 privacy of said Plaintiff and Class members.

24 19. Common questions of fact and law exist as to all members of The Class which
25 predominate over any questions affecting only individual members of The Class. These
26 common legal and factual questions, which do not vary between Class members, and which
27 may be determined without reference to the individual circumstances of any Class members,
28 include, but are not limited to, the following:

- a. Whether, within the four years prior to the filing of this Complaint, Defendant made any collection call (other than a call made for emergency purposes or made with the prior express consent of the called party) to a Class member using any automatic telephone dialing system or an artificial or prerecorded voice to any telephone number assigned to a cellular telephone service;
- b. Whether Plaintiff and the Class members were damages thereby, and the extent of damages for such violation; and
- c. Whether Defendant should be enjoined from engaging in such conduct in the future.

20. As a person that received numerous collection calls from Defendant using an automatic telephone dialing system or an artificial or prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting claims that are typical of The Class.

21. Plaintiff will fairly and adequately protect the interests of the members of The Class. Plaintiff has retained attorneys experienced in the prosecution of class actions.

22. A class action is superior to other available methods of fair and efficient adjudication of the controversy, since individual litigation of the claims of all Class members is impracticable. Even if every Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same complex factual issues. By contrast, the conduct of this action as a class action presents fewer management difficulties, conserves the resources of the parties and of the court system, and protects the rights of each Class member.

23. The prosecution of separate actions by individual Class members would create a risk of adjudications with respect to them that would, as a practical matter, be dispositive of the interests of the this Class members not parties to such adjudications or that would substantially

1 impair or impede the ability of such non-party Class members to protect their interests.

2 24. Defendant has acted or refused to act in respects generally applicable to The
3 Class, thereby making appropriate final and injunctive relief with regard to the members of the
4 California Class as a whole.

5 **FIRST CAUSE OF ACTION**

6 **Negligent Violations of the Telephone Consumer Protection Act**

7 **47 U.S.C. §227 et seq.**

8 25. Plaintiff repeats and incorporates by reference into this cause of action the
9 allegations set forth above at Paragraphs 1-33.

10 26. The foregoing acts and omissions of Defendant constitute numerous and
11 multiple negligent violations of the TCPA, including but not limited to each and every one of
12 the above cited provisions of *47 U.S.C. § 227 et seq.*

13 27. As a result of Defendant's negligent violations of *47 U.S.C. § 227 et seq.*,
14 Plaintiff and the Class Members are entitled an award of \$500.00 in statutory damages, for
15 each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

16 28. Plaintiff and the Class members are also entitled to and seek injunctive relief
17 prohibiting such conduct in the future.

18 **SECOND CAUSE OF ACTION**

19 **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

20 **47 U.S.C. §227 et seq.**

21 (Against All Defendants)

22 29. Plaintiff repeats and incorporates by reference into this cause of action the
23 allegations set forth above at Paragraphs 1-37.

24 30. The foregoing acts and omissions of Defendant constitute numerous and
25 multiple knowing and/or willful violations of the TCPA, including but not limited to each and
26 every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

27 ///

28 ///

1 ///

2 31. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227
3 *et seq.*, Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory
4 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. §
5 227(b)(3)(C).

6 32. Plaintiff and the Class members are also entitled to and seek injunctive relief
7 prohibiting such conduct in the future.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff requests judgment against Defendant for the following:

10 **FIRST CAUSE OF ACTION**

11 **Negligent Violations of the Telephone Consumer Protection Act**

12 **47 U.S.C. §227 et seq.**

- 13 • As a result of Defendant's negligent violations of 47 U.S.C. § 227(b)(1),
14 Plaintiff and the Class members are entitled to and request \$500 in statutory
15 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
16 • Any and all other relief that the Court deems just and proper.

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2 **SECOND CAUSE OF ACTION**

3 **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

4 **47 U.S.C. §227 et seq.**

- 5 • As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §
6 227(b)(1), Plaintiff and the Class members are entitled to and request treble
7 damages, as provided by statute, up to \$1,500, for each and every violation,
8 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).
9 • Any and all other relief that the Court deems just and proper.

10
11 Respectfully Submitted this 21st Day of August, 2013.

12
13 LAW OFFICES OF TODD M. FRIEDMAN, P.C.

14
15 By: s/Todd M. Friedman
16 Todd M. Friedman, Esq.
17 Law Offices of Todd M. Friedman
18 Attorneys for Plaintiff
19 tfriedman@attorneysforconsumers.com
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JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MONICA CEJA, INDIVIDUALLY AND ON BEHALF OF
ALL OTHERS SIMILARLY SITUATED,

(b) County of Residence of First Listed Plaintiff Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Todd M. Friedman, Esq., Law Offices of Todd M. Friedman, P.C.,
369 S. Doheny Dr. #415, Beverly Hills, CA 90211

DEFENDANTS

SHOPKICK, INC., AND DOES 1 THROUGH 10,
INCLUSIVE, AND EACH OF THEM

County of Residence of First Listed Defendant SAN MATEO
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Plaintiff (PTF) Defendant (DEF)
Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 SSA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. § 227 ET SEQ

Brief description of cause:
Violation of the Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

08/23/2013

SIGNATURE OF ATTORNEY OF RECORD

s/ Todd M. Friedman

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAJ. JUDGE

CV13-6295

8/27/13 11:14AM PDT '8666330228' -> 12138946860

Pg 2/2

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:	California County outside of this District; State, if other than California; or Foreign Country
	San Mateo

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): _____

DATE: 8/27/2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

MONICA CEJA, INDIVIDUALLY AND ON BEHALF
OF ALL OTHERS SIMILARLY SITUATED,

Plaintiff(s)

v.

SHOPKICK, INC.; AND DOES 1 THROUGH 10,
INCLUSIVE, AND EACH OF THEM

Defendant(s)

CV13- 6295 RSNL (SH*)
Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) SHOPKICK, INC.
999 MAIN STREET, 2ND FLOOR
REDWOOD CITY CA 94063

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Todd M. Friedman, Esq.
Law Offices of Todd M. Friedman, P.C.
369 S. Doheny Dr, #415
Beverly Hills, CA 90211

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

AUG 28 2013

Date: _____

CLERK OF COURT

JULIE PRADO

Signature of Clerk or Deputy Clerk

1154

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____,

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Ronald S.W. Lew and the assigned Magistrate Judge is Stephen J. Hillman.

The case number on all documents filed with the Court should read as follows:

2:13CV6295 RSWL SHx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

August 28, 2013

Date

By J.Prado
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012 | <input type="checkbox"/> Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701 | <input type="checkbox"/> Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501 |
|--|--|---|

Failure to file at the proper location will result in your documents being returned to you.